

ORDINANCE NO. 49-044

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR THE IMPROVEMENT OF THE INTERSECTION OF HARRY STREET AND BROADWAY AVENUE IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of public right-of-way for the development of infrastructure associated with the improvement of the intersection of Harry Street and Broadway Avenue in the City of Wichita, Sedgwick County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

That part of Lot 11, Zimmerly's Addition to the City of Wichita, Sedgwick County, described as beginning at southwest corner of said Lot 11; thence north 93 feet; thence east 157.5 feet; thence south 93 feet; thence west 157.5 feet to the place of beginning.

Permanent easements for right of way, public utilities and related uses in and to the following-described tracts, to-wit:

That part of Lot 2, Englishes' 6<sup>th</sup> Addition to Wichita, Sedgwick County, Kansas, described as beginning at the northeast corner of said Lot 2; thence South along the east line of said Lot 2, 28.00 feet; thence northwesterly, 39.40 feet to a point on the north line of said Lot 2, said point being 28.00 feet west of the northeast corner of said Lot 2; thence East along said north line, 28.00 feet to the place of beginning and

The west 7.50 feet of the south 47.00 feet of Lot 9, AND the west 7.50 feet of Lot 10, AND the west 7.50 feet of the north 21.00 feet of Lot 11, Zimmerly's Addition to the City of Wichita, Sedgwick County, Kansas and

That part of Lots 2, 4 and 6, Strong & Roger's Addition to the City of Wichita, Sedgwick County, Kansas, described as beginning at the northwest corner of said Lot 2; thence East along the north line of said Lot 2, 32.50 feet; thence southwesterly, 35.50 feet to a point 25.00 feet south and 7.50 feet east of the northwest corner of said Lot 2; thence South, parallel with the

west line of said Lots 2, 4 and 6, 65.00 feet to the south line of said Lot 6; thence West along the south line of said Lot 6, 7.50 feet to the southwest corner of said Lot 6; thence North along the west line of said Lots 2, 4 and 6, 90.00 feet to the place of beginning and

That part of Lot 11, Zimmerly's Addition to the City of Wichita, Sedgwick County, Kansas, described as beginning at the southeast corner of said Lot 11; thence West along the south line of said Lot 11, 140.00 feet to the east line of a 20 foot alley; thence North along the east line of said alley, 12.50 feet; thence southeasterly 140.33 feet to a point on the east line of said Lot 11, said point being 1.50 feet north of the southeast corner of said Lot 11; thence South along said east line, 1.50 feet to the place of beginning.

Temporary construction easements for driveway, drainage and road construction in and to the following-described tracts, to-wit:

That part of Lots 2 and 4, Englishes' 6<sup>th</sup> Addition to Wichita, Sedgwick County, Kansas, described as commencing at the northeast corner of said Lot 2; thence South along the east line of said Lot 2, 28.00 feet for a place of beginning; thence continuing south along the east line of said Lots 2 and 4, 32.00 feet to the southeast corner of said Lot 4; thence West along the south line of said Lot 4, 7.00 feet; thence North, parallel with said east line, 31.97 feet; thence northwesterly, 31.00 feet to a point 29.03 feet west and 6.00 feet south of the northwest corner of said Lot 2; thence West, parallel with the north line of said Lot 2, 110.97 feet to the west line of said Lot 2; thence North along said west line, 6.00 feet to the northwest corner of said Lot 2; thence East along said north line, 112.00 feet; thence southeasterly, 39.40 feet to the place of beginning and

The east 7.00 feet of Lots 6 and 8, Englishes' 6<sup>th</sup> Addition to Wichita, Sedgwick County, Kansas and

That part of Lots 9, 10 and 11, Zimmerly's Addition to the City of Wichita, Sedgwick County, Kansas, described as beginning at a point 39.00 feet north and 7.50 feet east of the southwest corner of said Lot 9; thence South, parallel with the west line of Lots 9, 10 and 11, 174.00 feet; thence East, 6.00 feet; thence North, parallel with said west line, 75.00 feet; thence northwesterly, 99.15 feet to the place of beginning; TOGETHER WITH the west 7.50 feet of Lot 9, EXCEPT the south 47.00 feet thereof and

That part of Lots 2, 4 and 6, Strong & Roger's Addition to the City of Wichita, Sedgwick County, Kansas, described as commencing at the northwest corner of said Lot 2; thence East along the north line of said Lot 2, 32.50 feet for a place of beginning; thence southwesterly, 35.50 feet to a point 25.00 feet south and 7.50 feet east of the northwest corner of said Lot 2; thence South, parallel with the west line of said Lots 2, 4 and 6, 65.00 feet to the south line of said Lot 6; thence East along said south line, 10.00 feet; thence North, parallel with said west line, 67.86 feet; thence northeasterly, 24.28 feet to a point 34.60 feet east and 5.00 feet south of the northwest corner of said Lot 2; thence East, parallel with the north line of said Lot 2, 110.40 feet to the east line of said Lot 2; thence North along said east line, 5.00 feet to the northeast corner of said Lot 2; thence West along said north line, 112.50 feet to the place of beginning and

That part of Lot 11, Zimmerly's Addition to the City of Wichita, Sedgwick County, Kansas, described as beginning at the southeast corner of said Lot 11; thence West along the south line of said Lot 11, 140.00 feet to the east line of a 20 foot alley; thence North along the east line of said alley, 12.50 feet; thence southeasterly 140.33 feet to a point on the east line of said Lot 11, said point being 1.50 feet north of the southeast corner of said Lot 11; thence South along said east line, 1.50 feet to the place of beginning.

SECTION 3. That the City Attorney is hereby authorized and directed to commence proceedings in eminent domain in the District Court of Sedgwick County, Kansas, for the

appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That the costs of said acquisition when ascertained shall be paid from General Obligation Bonds to be issued for the costs of such improvements; PROVIDED, however, should the City of Wichita acquire said property (and said City hereby reserves its right to abandon the condemnation as to any of all tracts) that General Funds are available for said purpose as provided by law.

SECTION 5. That the costs of said acquisition shall be charged to the City of Wichita.

SECTION 6. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 26th day of, July 2011.

**CITY OF WICHITA:**

\_\_\_\_\_  
Carl Brewer, Mayor

**ATTEST:**

\_\_\_\_\_  
Karen Sublett, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law